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Parlor Goods.
Summer Stoves from $1.25 up.
Portiers and Lace Curtains.
Baby Carriages.
Crockery Stoves and Lamps.
Gasoline Stoves at Cost.

DESERET EVENING NEWS.

Wednesday, - - August 16, 1893

FRAGMENTS.

No Third district court today.

Three were no orders made in the Probate court this morning.

Byron Hammond, of Nephi, Utah, has been granted a pension from the government.

Lorenzo F. Downs and A. Brown, of Ogden, have been granted a patent on a machine for rolling, cutting and shaping candies.

A couple of fills and dissolute characters are now in safe keeping at the city jail, totally a score being run in by the police last night.

There will be a special meeting of the board of directors of the Deseret Hospital in the hospital on Thursday next at 3 p.m. E. R. Wells, Secretary.

The work of lowering the intersection of East Temple and Second South streets is progressing rapidly. Earth to the depth of from three to four feet is being removed.

The county board of equalization held another session this morning. There was still a falling off in the attendance of protesting taxpayers, and the proceedings were deemed of public interest.

AS OTHERS SEE US.

What the People in the East Think of Salt Lake City.

Attorney E. W. Tallock returned to the city last evening from his trip to the East, having during his absence taken in all the sights at the World's Fair. He has had a very enjoyable time, and feels all the better for his holiday.

In conversation with a NEWS reporter this morning Mr. Tallock said that the praises of Salt Lake were sung by almost everybody against whom he chanced to run while away. When in Chicago he met with prominent persons hailing from San Francisco, Washington, Boston and other important cities east and west. All agreed that Salt Lake was undoubtedly "on top" and that if we could withstand the existing financial pressure a little while longer, it would be one of the largest accomplishments we could possibly receive. Surprise prevails, Mr. Tallock added, that the banks of Salt Lake, without an exception, have been able to stand firmly, while in other cities of equal or more importance so many had gone to the wall.

Judgment Confessed.

Confession of judgment for $339.60 on a promissory note, and $85.50 attorney's fees, making a total of $425.10, together with interest at ten per cent, was entered in the Third district court this morning in the case of the Consolidated Implement company vs Peter Greenhalgh.

A discovery of tin ore is reported about seventy miles from Denver. An assay showed forty per cent tin. Specimens have been forwarded to New York for testing.

A WILD COUNCIL.

Removal of Ryan and Appointment of Grubb Condemned.

AFTER DEMOCRATIC OFFICIAL SCALP.

Morse's Father-in-Law and Horn's Boarder.—Hints Are Given Certain Members of Forgery.

President Loofbourow's gavel fell with a clear and vigorous "whack" in the Council chamber last night at precisely 8 o'clock and the transaction of business commenced promptly. The members present were Rich, Foland, Hardy, Morse, Bell, Smoot, Beardley, Hire, Woolley, Horn.

THE PROCEEDINGS.

The board of education asked that Penn street be brought to grade. Committee on streets.

Margaret Valentine asked that she be given permanent sidewalk grade stakes. Committee on streets.

Methusalem Thurston asked that he be allowed to use the street with a fruit stand. Committee on streets.

E. D. R. Thompson asked that Pear street irrigation ditches be cleaned out. Committee on Jordan canal and irrigation.

A communication was received from the secretary of the general committee on the I. O. O. F. excursion to Saltair on August 24th, inviting the Council to unite with them in the pleasure of the day. Filed and accepted with thanks.

A LIEN NOTIFICATION.

The Metropolitan Steam company by its president, Simon Bamberger, notified the Council that it had filed a notice of lien against the city and Pacific Paving company for the purpose of withholding and enjoining payment of the moneys due from the city to the Paving company named for $9,614.82. Filed.

ATTORNEY OPINION.

The city attorney reported adversely on the petition of Sarah Neff in which she asked that a cloud be removed from the title of certain property belonging to her and sold for unpaid taxes. Adopted.

THE MAYOR CAN LEGALLY REMOVE.

The city attorney submitted the following analytically indexed opinion which was filed:

The action of the Mayor in removing W. H. Ryan from the office of superintendent of waterworks was at your last meeting reserved to me for my opinion as to his power to do so. I find from an examination of the charter, this contained in section 20, page 35, "The appointive officers of the city shall hold their offices for two years unless sooner removed by the City Council." This leaves the officer in the condition to be removed at any time, and consequently his term is not fixed by law, but may be terminated by the proper authority, and falls within the decision of the Supreme court of the United States to be referred to hereafter. It may be claimed and no doubt is by some of the members of your honorable body, that the power of removal is vested in the City Council because of the language of the section above quoted, and for the further reason this officer was not appointed by the Mayor. As the law stood at the time this officer was appointed, power was vested in the Council; but by the law of 1892 this power was taken from the Council and vested in the Mayor exclusively. Section 3, chapter 16, page 17, laws 1892, provides: "That hereafter the Mayor shall appoint, by and with the advice and consent of the Council, all officers who are now made appointive by the Council."

Section 5 provides: "That all laws and parts of laws inconsistent with this act are hereby repealed."

So far as the appointing power is concerned, there can be no two opinions on the point, and there being no law authorizing the Council to appoint, does not it necessarily follow that the Mayor, although specially authorized to appoint all such officers because the Council had filled such office before the law conferring the power on the Mayor took effect, which was on June 1, 1892, cannot appoint another to fill the office? I am of the opinion that the Mayor had a right to make an appointment to fill the office in this case, and when concurred in by the Council the appointee became the incumbent of the office, and as there cannot be two persons in the same office at the same time, necessarily the former incumbent is removed.

There is another phase of the case which presents itself, and that is whether or not, unless the term of office be absolutely fixed, which it is not in this case, the appointing power does not necessarily have the power to remove, and, if the power to remove is an incident of the power to appoint, whether section 20 is not in conflict with the law of 1892 above quoted, and therefore, repealed by that act. In the case of Marbury against Madison, 1 Peters, United States Supreme court, page 162, the court uses the following language, after discussing the case in all its different phases, on page 170: "In the absence of constitutional provisions or statutory regulations it would seem to be a sound and necessary rule to consider the power to remove as incident to the power to appoint." The question as to removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of the government. This doubt, however, as to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question whether the removal was to be by the President alone or with the concurrence of the senate, both constituting the appointing power.

No one denied the power of the President and the Senate to jointly remove, but it was very early adopted as a general construction of the Constitution that this power (removal), was vested in the President alone.

This decision also many of the state courts on authority where the same construction was placed by them upon similar language in the state constitutions. I do not think there is or can be any doubt of the power of the Mayor to remove in this case. It is in consequence of the following language used in section 20, "unless sooner removed by the City Council," as before stated. Is not this in conflict with the law of 1892? It would seem so when we take into consideration that in 1890 when section 20 was adopted the appointing power was in the City Council.

While there may be some doubt on this last proposition I am of opinion that the action of the Mayor in this matter is proper and legal.

TO HEAR THE BALL OUT.

City Marshal Paul suggested that the mud on the west half of the city prison was in a dilapidated condition and required immediate attention. The cost of such repair he estimated at $50. Committee on prisons with power to act.

WANTS A REPORT REVISED.

City Engineer Dennis sent in the following caustic communication:

I beg leave to represent that in the time I have had to supervise the work the work now being done on a gravity water sewer, that the details of this work are being done under the supervision of inspectors appointed by the board of public works, and that the work being done by the employes of my department is only that of setting stakes to guide in the matter of line and grade, and has no supervision whatever in the manner of workmanship employed. In the appointment of inspectors I had hoped to have some voice in the selection of at least one man to act as chief, who was competent to represent both my department and the board, and so save the use of one man, thus disappointed in this I have since given the work all the personal attention which my other duties would allow, but this is not sufficient, and I therefore ask for authority to employ an assistant, whose duties will be to monitor upon the work constantly, and see that every detail is properly attended—the same as was the case during construction on the Parley's canyon sewer. Among the other duties he would perform would be the additional help are that I am not equipped to provide with the book of public works for the proper assistance and information of the board, and that while they have first representatives on the ground I have found that the representatives of the board have antagonistic to, are at cross purposes with my view of what the specifications and contract requires, and although they are instructed by the board to carry out the work under my direction, it is discouraging to expect that this will be done in conflict with their own views, unless I am to consider attendance or have a representative on the work who is in accord with me and in whom I have confidence, a relation which, unfortunately for the work, do not exist between a majority of the inspectors and myself at the present time and, furthermore, that it is unfair to hold me responsible for work done under the conditions which practically deny me any control over its execution. In conclusion, I desire to say that if this work shall be done in strict accordance with the requirements of the specifications and of the contract, it will be effective and enduring. Otherwise it may result in disgraceful failure, and in view of this I trust you will not deny such assistance as is necessary to insure its proper execution. If, however, your judgment should be against employing a additional help, then I ask that the whole responsibility be placed upon the board of public works, who have a full corps of representatives, and that my duties in connection with the work be limited to that of furnishing the required drawings and setting the necessary stakes, thus relieving me from any responsibility as regards the material and workmanship.

Hardy moved that the city engineer be given the assistance asked for.

Horn opposed the motion vigorously, and showed his old-time antagonism to the engineer by giving that official a long snubbing up on general principles.

Bell said the question resolved itself into the simple fact as to whether or not the engineer should be sustained or turned down. He deemed the reasons good and sufficient, and believed the engineer should be sustained.

Foland moved as a substitute that the matter be referred to the special sewer committee.

Lawson arrayed himself against both motions, and confirmed that he was an incompetent official and that his mistakes had cost the city thousands of dollars. His letter was a direct reflection on the board of public works, and he should be taught a valuable lesson.

Horn said warmly that if the engineer was so incompetent that he needed an assistant he should resign; in that event he emphatically repeated he should step down and out; there were plenty of competent engineers in the city who could fill the office occupied by Mr. Dennis with credit to themselves and the city.

Hardy declared boldly that Mr. Dennis was an efficient officer and that he would stand by him like a man. Mr. Dennis had recently proven his ability to the council once when he saved the city a $100,000 suit. Of course, he was the other man—reliable—but generally speaking he was a most thorough official.

Hire said that there were certain members of the council who opposed everything.

Morse called him to order but the chair failed to sustain the point.

Evans contended that there was all logic in too much feeling exhibited in the matter. The men who were attacking Mr. Dennis were totally incapable of criticising him in any manner whatever when it came to conducting the engineering affairs of the city. He had a reputation to sustain that was worth infinitely more to him than the entire sewer system to the city.

Morse (laughing outright)—Tut, tut.

Which! went the president's gavel and Morse subsided, but afterwards asked if Mr. Dennis wanted a sorpe of officers to watch the board of public works.

THE RYAN MATTER AGAIN.

On motion of Beardsley the communication from the Mayor removing Mr. Ryan as superintendent of waterworks was opened for discussion as the new order. He was then given the floor and the chair was also the opinion of the city attorney on the same question.

There ensued a sort of guilting gun debate and showers of conditionable pellets in which speeches, harangues, stubbing and counter-motions were made with a rapidity and frequency that puzzled the solons seriously that they looked inquiringly at the chair and failing to receive satisfaction there they glared helplessly at each other.

Finally Horn, one of the Mogul mine owners, got the floor under the flash of political campaign light and intimated that there would be an election in the coming autumn when whichever blasts would winnow about their forms with a frightfulness that would cause their teeth to chatter. The "little scorpion" also declared that whisky was the cause of Mr. Ryan's downfall. That fell demon had swept a good many of their high class from their exalted stations and in the coming campaign he predicted that the enemy would hitch that fact in their ears until they would fairly ring. It would be said: "There's your go loving Jackson, pure silver-tongued orator of town hedging fame, your Knight of midnight escapades are—"

Here the last enumeration was cut short by Rich who declared that these men were not on trial. The point was sustained but Morse got in the parting shot "Well, I tell you that our ladies have patrolled the bar too much; they have upset their cups too often. I, for one, don't propose to carry such officials."

The removal and appointment were then confirmed.

WANTLAND'S WEED CUTTERS.

On recommendation of the committee on streets it was ordered that five men be employed to cut weeds on the public highways.

THE TROUBLESOME WATER SCRIPS.

Hire offered the following:

Resolved, That hereafter all waterman or water extension must be paid for in full to the petitioners for the same, before the work of laying the pipes of such extension can be commenced; and that all water scrip hereafter issued for the extension of any waterpipe, shall be received in payment for water tax assessed or chargeable to the property upon which such scrip is issued and for another property of water tax.

Referred to the city attorney with instructions to draft an ordinance covering the same.

AN ELEVENTH HOUR RESOLUTION.

Evans offered the following resolution which was adopted on a strict party vote of 8 to 3:

Resolved, That hereafter no officer in charge of a department, or any employee of the city government, shall be permitted to contract for or purchase any tools or materials which any one required in their department before submitting proposals or specifications therefor in writing to their respective committees who shall report upon the same and report their recommendations to the Council, and in no case exceeding an increase of the force of such officers to obtain the consent and approval of their respective committees before employing the same; and be it further

Resolved, That all employees who are engaged and paid by the month, shall be excluded from the operation of the eight-hour ordinance, and that the heads of departments shall be working foremen (thus changing the force each alternate week until the further order of the Council); and be it further

Resolved, That the furnishing of private messengers, working teamsters or teams for the use for the heads of departments or any subordinates in the city government be discontinued.

Hire seconded unanimously to the passing order of the previous resolution. Bell reported for the substitute. The reason why some members dislike the old report was that it effected their relatives and friends.

Then the gentleman from over the river got in a regular red paper speech in which he asked:

"Why does Morse oppose it? I will tell you. He has got a father-in-law supposed to be acting as a sewer foreman, but he hasn't done a day of work for five weeks; still he comes to the hall every Saturday, signs the pay rolls and gets his money. Does the Democratic Horn (pointing his fingers at that gentleman) he came before the committee and begged that a certain individual living at his house be retained because he needed his board money?"

Horn—Where are your proofs?

Hire—I have'nt got any.

Hardy said that the Evans resolution was drawn up by the Liberal members in order cause just to order to kill the original. He would be ashamed to stop in the work that Evans had done and was attempting to do in that respect.

Kelly thought there was getting to be slaughter to much gallery talk. If the members wanted to relieve themselves of this political rant they should go out and blow a ball where no one could hear them.

Rich—Like you Liberals did.

Kelly—I won't be interrupted.

Rich—(laughingly)—Like you Liberals did, I say.

Which! went the chairman's gavel and Rich repeated: "Like you Liberals do, do, do."

Morse here rose and explained that he had a father-in-law at work for the city but could not help it. He supposed Mr. Hire would have him get a divorce from his wife. He added, however, that Mr. Hire was careful not to mention that he had his father-in-law working for the city a year ago.

Hire—That statement is untrue. My father-in-law did not work for the city.

Morse—I won't quarrel with you but I say that he did and at your arrangement, too.

ADJOURN OR SUBORDINATE.

The old report of the retrenchment committee then came up and a rambling and exciting scene followed. Rich in attempting to get the floor was turned down in favor of Hammond who after considerable debate on the part of other members moved for the previous question which was put and carried.

Rich denounced it a choke off game and declared repeatedly in a most dramatic manner that the report was a forgery; that changes and interpolations had been made after it had been signed by himself and the Mayor.

Having thus spoken without being contradicted Mr. Rich, lost in hard strife from the council chamber amid

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SALTAIR BEACH.

Time Table in Effect July 23th, 1893.

Lv Salt Lake	Ar Saltair	Lv Saltair	Ar Salt Lake
10:15 a.m.	10:30 a.m.	10:40 a.m.	10:55 a.m.
1:00 p.m.	1:15 p.m.	1:25 p.m.	1:40 p.m.
2:00 "	2:15 "	2:25 "	2:40 "
3:00 "	3:15 "	4:00 "	4:15 "
4:00 "	4:15 "	5:00 "	5:15 "
5:00 "	5:15 "	6:00 "	6:15 "
7:30 "	7:45 "	10:00 "	10:15 "

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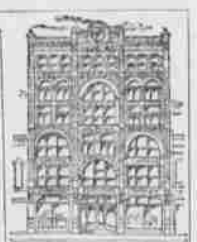

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